

REMARKS

A. Introduction

Claims 27-60 and 63-86 were pending and under consideration in the application, claims 1-26, 61, and 62 having been previously canceled.

In the Final Office Action mailed March 16, 2010:

The Amendment filed November 5, 2009 was objected to under 35 U.S.C. §132(a) as allegedly introducing new matter into the disclosure;

Claims 27-60 and 63-86 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement and failing to comply with the enablement requirement;

Claims 27-60 and 63-86 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

In response, Applicants are hereby amending the specification to obviate the grounds for the 35 U.S.C. §132(a) objection, canceling claims 29, 31, 34-36, 38-43, 57-60, 74-76, 83, and 84, and amending the remaining claims for clarity and to obviate the grounds for the 35 U.S.C. §112 rejections. Support for the amendment may be found, at least, in paragraphs 0018, 0020, 0026, and 0080. (Paragraph references relate to the application as published as U.S. Pat. Pub. No. 2003/0060269.) No new matter is being added.

B. Rejections under 35 U.S.C. §112

The Office Action rejected Claims 27-60 and 63-86 as failing to comply with the written description requirement.

(a) With respect to the independent claims, the Office Action objected to recitations of (i) a display panel having a plurality of portions and (ii) a controller operable to dynamically change indicia displayed on a flexible display. The independent claims have been amended to delete the recitation of a display panel having plurality of portions and to otherwise more closely conform the claims to the disclosure in the specification at, for example, paragraph 0026.

(b) With respect to dependent claims 41-43, 57, 59, 76, and 83 the Office Action's objections to certain recitations have been rendered moot by the instant amendment, which cancels the above-mentioned claims.

The Office Action rejected Claims 27-60 and 63-86 as allegedly failing to comply with the enablement requirement and as allegedly being indefinite.

The rejections are respectfully traversed.

The examiner has the initial burden to establish a reasonable basis to question the enablement provided for the claimed invention. MPEP 2164.05(b). Here, as understood by Applicants, the Office Action considers that the specification fails to enable display of an infinite, or virtually unlimited, number of indicia. The allegation is irrelevant, even if true, because the claims, both as previously presented and as currently amended lack such a recitation.

Similarly, the Office Action rejected (at page 5, paragraph 5) the independent claims as being allegedly indefinite based on an assertion that it is unclear how a virtually unlimited number of indicia are displayed. The assertion is irrelevant, even if true, because the claims, both as previously presented and as currently amended lack any reference to "virtually unlimited number of indicia".

In light of the instant amendment, and the foregoing remarks, withdrawal of the 35 U.S.C. §112 rejections is respectfully requested.

C. Conclusion

The claims are believed to be in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call the undersigned attorneys at (510) 663-1100.

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Reply to the Final Office Action of March 16, 2010

Applicants do not believe that any additional fees are required to facilitate the filing of this Amendment. However, if it is determined that such fees are due, please charge such additional fees to Deposit Account No. 504480 (Order No. IGT1P267).

Respectfully submitted,
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